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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,007	01/23/2002	Takeya Miwa	Q68157	1215
23373	7590	04/07/2005		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER NGUYEN, PHONG H	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,007	MIWA, TAKEYA	
	Examiner	Art Unit	
	Phong H Nguyen	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6, 7, 11 and 12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. The objection of claim 1 is withdrawn upon reviewing the Applicant's amendment to claim 1.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 6, 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beamenderfer et al. (4,834,674).

Regarding claims 1, 2, 6, 7, 11 and 12, Beamenderfer et al. teach a flat cable comprising a plurality of conductors (4/5) wherein end portions of the conductors form a stepped form. See Figs. 2-5. Beamenderfer et al. do not teach no immediate adjacent ones of the conductors are in the same plane. It would have been obvious to one skilled in the art to provide a plurality of conductors wherein no immediate adjacent end portions of the conductors are in the same plane to accommodate a cable connector wherein connecting ports are arranged in a way such that no immediate adjacent conductors are in the same plane.

Regarding claims 3 and 4, Beamenderfer et al. teach a method of processing a flat cable comprising a plurality of conductors (4/5) wherein end portions of the conductors form a stepped form. See Figs. 2-5. Beamenderfer et al. do not teach no immediate adjacent ones of the conductors are in the same plane. It would have been obvious to one

skilled in the art to provide a plurality of conductors wherein no immediate adjacent end portions of the conductors are in the same plane to accommodate a cable connector wherein connecting ports are arranged in a way such that no immediate adjacent conductors are in the same plane.

Response to Arguments

4. Applicant's arguments filed on 01/25/2005 have been fully considered but they are not persuasive.

Applicant argues that the Examiner's reasoning is merely a result of hindsight. There is no concrete evidence in the prior art. Applicant further argues that modifying the teaching of Beamenderfer would be directly against the desired order and spacing of the wires.

Contrarily to Applicant's assertions, the rejection is not sustainable only upon hindsight of reconstruction of the prior art. The Examiner looks for the differences in material between the claimed subject matter and the prior art such that the claimed subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Regarding the motivation for modifying the teaching of Beamenderfer, Applicant is directed to the patent to Hasegawa et al. (4,820,175), hereinafter Hasegawa, which is cited by Beamenderfer in the Background of invention. Hasegawa teaches two alternative cables: a first alternative cable having a plurality of ground wires and signal wires which are disposed in alternating relation as shown in Fig. 2A; and a second alternative cable having two ground wires between every

two adjacent signal wires as shown in Fig. 2B. Therefore, it would have been obvious to one skilled in the art to provide a plurality of conductors wherein no immediate adjacent end portions of the conductors are in the same plane to accommodate a cable connector wherein connecting ports are arranged in a way such that no immediate adjacent conductors are in the same plane. Since Hasegawa teaches the art equivalent of the two alternative cables, modifying Beamenderfer to include claim 1 would not result in a substantial modification of the principle operation of Beamenderfer.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN:

March 29, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700